

**THE EFFECTIVE DATE OF THIS ORDINANCE IS SEPTEMBER 27, 2006**

**ORDINANCE NO. 06-28-424**

**AN ORDINANCE AMENDING THE FREDERICK COUNTY FIRE  
PREVENTION CODE**

**PREAMBLE**

The Board of County Commissioners of Frederick County, Maryland (Board), has adopted a Frederick County Fire Prevention Code "to prescribe minimum requirements and controls to safeguard life, property or public welfare from the hazard of fire, panic and explosion from the storage, handling or use of substances, materials or devices and from conditions hazardous to life, property or public welfare in the use or occupancy of buildings, structures, sheds, tents, lots or premises." (Frederick County Code, 2004, §1-2-64).

The Board desires to amend the County Fire Prevention Code to include a section adopting a requirement for **Civil Fire Code Infractions**, which provide a civil penalty for violations of the fire prevention code.

A summary of this ordinance was published in the Frederick News Post, a newspaper of general circulation in the County, not less than two weeks prior to the adoption of this Ordinance by the County Commissioners.

A duly advertised public hearing on this Ordinance was held on September 26, 2006. The public had an opportunity to comment on this Ordinance at this public hearing.

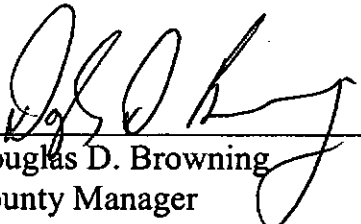
NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE  
BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY,  
MARYLAND, that Section 1-2-64 of the Frederick County Code (2004) is hereby  
amended to add a new subsection "I" as set forth on the Attached Exhibit A.


AND BE IT FURTHER ENACTED AND ORDAINED that this  
Ordinance shall take effect on September 27, 2006.

The undersigned hereby certifies that this Ordinance was approved and  
adopted on the 26 day of September 2006.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF FREDERICK COUNTY, MARYLAND

  
Douglas D. Browning  
County Manager

  
John L. Thompson, Jr.  
President

MJC 9/29/06

## **EXHIBIT A**

### **1-2-64 (I) CIVIL FIRE CODE INFRACTIONS.**

(1) Pursuant to Chapter 634 of the Laws of Maryland 1984, being § 2-2-29 of the Frederick County Code (2004), any violation of the provisions of this section (1-2-64, Fire Prevention Code) is a civil infraction and shall be called a civil fire code infraction. If after investigation, a civil fire code infraction is believed to exist, the Frederick County Fire Marshal or his or her representative shall deliver a citation or a warning to the person or persons responsible for the infraction.

(2) The citation or warning, as provided for in this section, shall be in writing and shall contain the following:

- (a) The name and address of the person charged (or warned);
- (b) The nature of the violation;
- (c) The location of the violation;
- (d) The date(s) of the violation;
- (e) The amount of the fine to be assessed (or possible of assessment);
- (f) The manner, location and time in which the fine may be paid;
- (g) The person's right to stand trial for the violation (if applicable); and
- (h) A certification by the Fire Marshal or authorized designee attesting to the truth of the matters set forth.

(3) A fine is hereby imposed upon any person responsible for a civil fire code infraction for each violation as follows: (1) for a violation of subsection G

(premises identification) \$25; (2) for obstructing a fire department access road/fire lane/fire hydrant \$250; (3) for a violation of any other provision of this section \$500. All fines shall be payable to the Board of County Commissioners of Frederick County, Maryland, in the office of the Fire Marshal, which shall remit same on a daily basis to the County Treasurer. Each day such violation is permitted to exist shall be considered a separate infraction.

(4) A person who receives a citation may elect to stand trial for the offense by filing with the Fire Marshal a notice of intention to stand trial. The notice shall be given at least 5 days before the date of payment of the fine as set forth in the citation. On receipt of the notice of intention to stand trial, the Fire Marshal shall forward to the District Court for Frederick County, Maryland, a copy of the citation and the notice of intention to stand trial. On receipt of the citation, the District Court shall schedule the case for trial and notify the defendant of the trial date. All fines, penalties or forfeitures collected by the District Court for fire code infractions shall be remitted to the Board of County Commissioners of Frederick County, Maryland, through the Frederick County Treasurer.

(5) If a person who receives a citation for an infraction fails to pay the fine by the date of payment set forth on the citation and fails to file a notice of intention to stand trial, a formal notice of the infraction shall be sent to the person's last known address. If the citation is not satisfied within 15 days from the date of the notice, the person is liable for a fine double that as provided above for each infraction. If after 35 days, the citation is not satisfied, the Fire Marshal may

request adjudication of the case through the District Court. The District Court shall schedule the case for trial and summon the defendant to appear.

(6) Adjudication of an infraction under this section is not a criminal conviction, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

(7) In a proceeding before the District Court, the violation shall be prosecuted in the same manner and to the same extent as set forth for municipal infractions in Md. Ann. Code, Art. 23A, § 3(B)(8) through (15). However, the County Attorney is hereby authorized to prosecute fire code infractions under this section.

(8) If a person is found by the District Court to have committed a civil fire code infraction, he or she shall be liable for the costs of the proceedings in the District Court.

(9) Depending on the circumstances of each case and after consultation with the county attorney, the fire marshal has the discretionary authority to reduce or suspend all or a portion of the fine.

(10) Nothing contained in this section shall prohibit or prevent the fire marshal or authorized agent, or anyone else, from seeking other legal remedies, such as injunctions or criminal prosecution.

(11) The fines specified in this section can be modified at any time by resolution of the Board of County Commissioners of Frederick County, after a duly advertised public hearing.